



5-27 -04

AF 7651
JFW
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/041,635 Confirmation No.: 6960
First Named Inventor : Kevin M. Moore
Filing Date : January 10, 2002
TC/A.U. : 1651
Examiner : David M. Naff
Docket No. : 030952DIV

Commissioner for Patents
P.O. Box: 1450
Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE

"Express Mail" label number: ED152230801US

Date of Deposit: May 26, 2004

I hereby certify that the following attached paper or fee

AMENDMENT TRANSMITTAL
RESPONSE TO OFFICE ACTION
3.73 (b) STATEMENT
DECLARATION OF KEVIN MOORE

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: **Commissioner for Patents, P.O. Box: 1450, Alexandria, VA 22313-1450.**

Beth H. Retort

(Typed or printed name of person mailing paper or fee)

(Signature of person mailing paper or fee)

NOTE: Each paper must have its own certificate and the "Express Mail" label number as a part thereof or attached thereto. When, as here, the certification is presented on a separate sheet, that sheet must (1) be signed and (2) fully identify and be securely attached to the paper or fee it accompanies. Identification should include the serial number and filing date of the application as well as the type of paper being filed, e.g. complete application, specification and drawings, responses to rejection or refusal, notice of appeal, etc. If the serial number of the application is not known, the identification should include at least the name of the inventor(s) and the title of the invention.

NOTE: The label number need not be placed in each page. It should, however, be placed on the first page of each separate document, such as, a new application, amendment, assignment, and transmittal letter for a fee, along with the certificate of mailing by "Express Mail." Although the label number may be on checks, such a practice is not required. In order not to deface formal drawings it is suggested that the label number be placed on the back of each formal drawing or the drawings be accompanied by a set of informal drawings on which the label number is placed.

(Express Mail Certificate [8-3])



Attorney's Docket No. 030952DIV

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/041,635 Confirmation No.: 6960
First Named Inventor : Kevin M. Moore
Filing Date : January 10, 2002
TC/A.U. : 1651
Examiner : David M. Naff
Docket No. : 030952DIV

Commissioner for Patents
P.O. Box: 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is

☐ A statement that this filing is by a small entity is hereby asserted in accordance with the rule change effective September 8, 2000, 65 Fed. Reg. 54603.

☒ other than a small entity.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☐ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

(type or print name of person certifying)

EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) - If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 CFR 1.645 for extensions of time in interference proceedings, and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

(complete (a) or (b), as applicable)

(a) ☐ Applicant petitions for an extension of time under 38 CFR 1.136
(fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$210.00
<input type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00

Fee \$ _____

If an additional **extension** of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$

OR

(b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)-(d) has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY			OTHER THAN A SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO PREVIOUSLY PAID FOR		PRESENT EXTRA	RATE	ADDIT. FEE	OR	RATE	ADDIT. FEE
TOTAL	11•	MINUS	20••	= 0	x9=	\$0		x18=	\$0.
INDEP.	1•	MINUS	3•••	= 0	x 43=	\$0		X86=	\$0.
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+130=	\$		+290=	\$0
					TOTAL ADDIT. FEE	\$0	OR	TOTAL ADDIT. FEE	\$0

- If the entry in Col. 1 is less than entry in Col. 2, write “)” in Col. 3.
- If the “Highest No. Previously Paid for” IN THIS SPACE is less than 20, enter “20.”
- If the “Highest No. Previously Paid for” IN THIS SPACE is less than 3, enter “3.”
The “Highest No. Previously Paid for” (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING “After final rejection or action (§ 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made.” 37 CFR § 1.116(a) (emphasis added).

Complete (c) or (d), as applicable)

(c) ☒ No additional fee for claims is required.

OR

(d) ☐ Total additional fee for claims required \$ _____

FEE PAYMENT

5. ☐ Attached is a check in the sum of \$ _____

☐ Charge Account No. _____ the sum of \$ _____

A duplicate of this transmittal is attached.

FEE DEFICIENCY

NOTE: *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. ☒ If any additional extension and/or fee is required, charge Account No.
7. 11-1110.

AND/OR

- ☒ If any additional fee for claims is required, charge Account No.
11-1110.



SIGNATURE OF ATTORNEY

Reg. No.: 46,993

Tel. No.: (412) 355-8620
Customer No. 41835

Bernard G. Pike
(type or print name of attorney)

Kirkpatrick & Lockhart LLP
P.O. Address
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, PA 15222-2312



Application No.: 10/041,635

Confirmation No.: 6960

Response to Office Action dated February 26, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/041,635 Confirmation No.: 6960
First Named Inventor : Kevin M. Moore
Filing Date : January 10, 2002
TC/A.U. : 1651
Examiner : David M. Naff

Docket No. : 030952DIV

Pittsburgh, Pennsylvania
May 26, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response to Office Action

Sir:

In response to the final Office Action dated February 26, 2004, Applicant respectfully request entry of the following amendments for further examination of the above-identified application: ("Subject Application"):

Amendments to the Claims begin on page 2 of the response; and

Remarks begin on page 4.